

# Exhibit E

1 MR. HAEFELE: I think going back to the purpose of  
2 what jurisdictional discovery is for, which the caselaw says  
3 it's to give the plaintiff ample opportunity to secure and  
4 present evidence relevant to the existence of jurisdiction.

5 That's not what they're asking. They're not asking  
6 for the facts relative to that. They're asking for what the  
7 plaintiffs know about it.

8 There are ample cases that --

9 THE COURT: I mean it's the analogy of the recent  
10 revisions -- or not so recent at this point revisions to the  
11 federal rules where automatic disclosure is that which you  
12 intend to use and then you have to make a further showing for  
13 other materials.

14 And really, what you're saying is it ought to be  
15 limited to that which you intend to use in effect as part of  
16 your case in chief relating to personal jurisdiction.

17 MR. HAEFELE: I think it ends up being premature at  
18 this point. When we're arguing -- and the whole issue at this  
19 point is the plaintiffs' obligation to demonstrate jurisdiction  
20 over the defendant.

21 THE COURT: How are you prejudiced if they know --  
22 because I've required you to disclose what it is you intend to  
23 rely on before they file their motion?

24 MR. HAEFELE: It depends on the order. I mean if the  
25 order is that there's mutual -- the time is the same, then

1 we're prejudiced in the sense that --

2 THE COURT: No, not that. I mean the application of  
3 SBG was to get the material now. Your suggestion was they get  
4 the material after the motion is filed. And the mid ground, if  
5 it's that, that I'm suggesting is after you've had your shot at  
6 personal jurisdiction discovery and shortly before the motion  
7 is filed, they get some limited discovery.

8 How are you prejudiced by that?

9 MR. HAEFELE: I think we're prejudiced by it because,  
10 again, we don't know what their motion is going to be until --  
11 so we don't know what we will rely upon to oppose their motion,  
12 until we see their motion. And then we end up having to  
13 reveal, perhaps, more than we would have necessarily needed to  
14 reveal that would probably be work product otherwise. If I  
15 understood your example right, I think that's where the  
16 prejudice is.

17 THE COURT: I hear what you're saying.

18 MR. HAEFELE: Again, it goes back to -- if you look at  
19 the caselaw -- we scanned the caselaw and we couldn't find --  
20 honestly, we couldn't find any examples where the defendants --  
21 and we actually asked during meet-and-confer for the defendants  
22 to provide us any example where the defendants have been  
23 granted jurisdictional discovery.

24 And they said, oh, it happens all the time, it happens  
25 all the time, and then they could never give us anything, and